

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUN 19 2014

IN THE UNITED STATES DISTRICT COURT DAVID J. MALAND, CLERK
FOR THE EASTERN DISTRICT OF TEXAS BY DEPUTY _____
TYLER DIVISION

UNITED STATES OF AMERICA

§

SEALED

V.

§

ZUZELL GUADALUPA DAVIS (01) § 6:14CR35
JAVIER AVILA (02) § Judge Schneider
JESUS GARCIA-MADRIZ (03) §
JOSE MALDONADO BARRAGAN (04) §
aka "El Pelon"

SUPERSEDING INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT ONE

Violation: 21 U.S.C. § 846 and 18 U.S.C. § 2
(Conspiracy to Distribute and Possess with
Intent to Distribute Methamphetamine and
Aiding and Abetting)

That from sometime in March, 2014, and continuously thereafter up to and including May 12, 2014, in Smith County, Texas; and in Anderson County, Texas; in the Eastern District of Texas; **Zuzell Guadalupa Davis, Javier Avila, Jesus Garcia-Madriz, and Jose Maldonado Barragan, also known as "El Pelon,"** Defendants herein, aided and abetted by one another, did knowingly and intentionally combine, conspire, confederate and agree together with each other and with others known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with

intent to distribute methamphetamine, a Schedule II controlled substance, in violation of the laws of the United States, to wit, 21 U.S.C. § 841(a)(1) prohibiting possession with intent to distribute and distribution of 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine and/or 50 grams or more of methamphetamine (actual), a Schedule II controlled substance.

In violation of 21 U.S.C. § 846, and 18 U.S.C. § 2.

COUNT TWO

Violation: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Possession with Intent to Distribute and Distribution of Methamphetamine and Aiding and Abetting)

On or about May 12, 2014, in Smith County, Texas, in the Eastern District of Texas, **Zuzell Guadalupe Davis, Javier Avila, Jesus Garcia-Madriz, and Jose Maldonado-Barragan, also known as “El Pelon,”** Defendants herein, aided and abetted by one another, did knowingly, intentionally, and unlawfully possess with intent to distribute and did distribute approximately 2 kilograms of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT THREE

Violation: 18 U.S.C. § 922(g)(5) (Possession of a Firearm while Illegally in the United States)

On or about May 12, 2014, in Smith County, Texas, in the Eastern District of Texas, **Zuzell Guadalupe Davis,** Defendant herein, who was then illegally or unlawfully in the United States, did knowingly and unlawfully possess, in and affecting commerce, a firearm, specifically a Smith & Wesson, model MP-5, .223 caliber rifle, bearing serial number SM6514.

In violation of 18 U.S.C. §§ 922(g)(5) and 924(a)(2).

COUNT FOUR

Violation: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Possession with Intent to Distribute and Distribution of Methamphetamine and Aiding and Abetting)

On or about March 31, 2014, in Smith County, Texas; and in Anderson County, Texas; both in the Eastern District of Texas; **Zuzell Guadalupe Davis and Javier Avila**, Defendants herein, aided and abetted by one another, did knowingly, intentionally, and unlawfully possess with intent to distribute and did distribute approximately 226 grams of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. §§ 924(d)(1), 982(a)(1), and 3665, 21 U.S.C. § 853,
and 28 U.S.C. § 2461

As the result of committing one or more of the foregoing offenses alleged in this Indictment, Defendants herein, shall forfeit to the United States pursuant to 18 U.S.C. §§ 924(d)(1), 982(a)(1), and 3665, 21 U.S.C. § 853, and 28 U.S.C. § 2461 any property constituting, or derived from proceeds the persons obtained directly or indirectly, as the result of such violation; and any and all personal property used or intended to be used to commit the offense, including but not limited to the following:

Cash Proceeds

Approximately \$50,000.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the foregoing offenses alleged in this Indictment.

Conveyances

A black Ford F150 pickup, VIN Number: 1FTFW1CF2CFB26344,

Seized from Defendant **Zuzell Guadalupa Davis**:

A Smith & Wesson, model MP-5, .223 caliber rifle, bearing serial number SM6514
Assorted ammunition

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant –

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;

- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C.

§ 853(p), to seek forfeiture of any other property of defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal, owned by defendants.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the Defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. §§ 924(d)(1) and 3665, 21 U.S.C. § 853, and 28 U.S.C. § 2461.

A TRUE BILL,

Date: 6-18-2014



FOREPERSON OF THE GRAND JURY

JOHN M. BALES
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NOTICE OF PENALTY

COUNTS 1, 2, and 4

Violation: 21 U.S.C. §§ 846 and 841(a)(1)

Penalty: If more than 50 grams of actual methamphetamine, or more than 500 grams of a mixture or substance containing a detectable amount of methamphetamine - not less than 10 years nor more than life imprisonment, a fine not to exceed \$10,000,000, or both - supervised release of at least 5 years.

If more than 5 grams of actual methamphetamine, or more than 50 grams of a mixture or substance containing a detectable amount of methamphetamine - not less than 5 years nor more 40 years imprisonment, a fine not to exceed \$5,000,000, or both - supervised release of at least 4 years.

Special Assessment: \$100.00

COUNT 3

Violation: 18 U.S.C. § 922(g)(5)

Penalty: Imprisonment for not more than 10 years, a fine not to exceed \$250,000, or both, and supervised release of not more than 3 years.

Special Assessment: \$100.00